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DATE: February 4, 2003

TO: EXAMINER SANDRA WEGERT

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FROM: John G. Posa

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RE: SN 09/897,000

MESSAGE:

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)Applicant(s): **Ferree**

Docket No.

BAF-11302/29

Serial No.

09/897,000

Filing Date

July 2, 2001

Examiner

S. Wegert

Group Art Unit

1647

Invention: **METHOD OF TREATING DISC HERNIATION AND DISC DEGENERATION WITH CONCENTRATED GROWTH AND DIFFERENTIATION FACTORS**

I hereby certify that this Response to Restriction Requirement

(Identify type of correspondence)

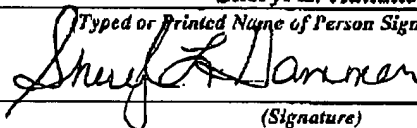
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2/13
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 09/897,000

Group No.: 1647

Filed: July 2, 2001

Examiner: S. Wegert

For: METHOD OF TREATING DISC HERNIATION AND DISC DEGENERATION WITH
CONCENTRATED GROWTH AND DIFFERENTIATION FACTORS

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed January 14, 2003, referring to an earlier Restriction Requirement mailed October 1, 2002, Applicant hereby elects the species of "O" (BMP-1) for further prosecution of the above-referenced application. Applicant also makes the following amendments to the claims:

IN THE CLAIMS:

Please replace current claim 5 with the following:

B1 5. (Amended) The method of claim 1, wherein the factor injected into the spinal canal or disc is a transforming growth factor. N

Please add new claims 6-7 as follows:

6. The method of claim 1, wherein the factor injected into the spinal canal or disc is an interleukin. N

B2 7. The method of claim 1, wherein the factor injected into the spinal canal or disc is a bone morphogenic protein.